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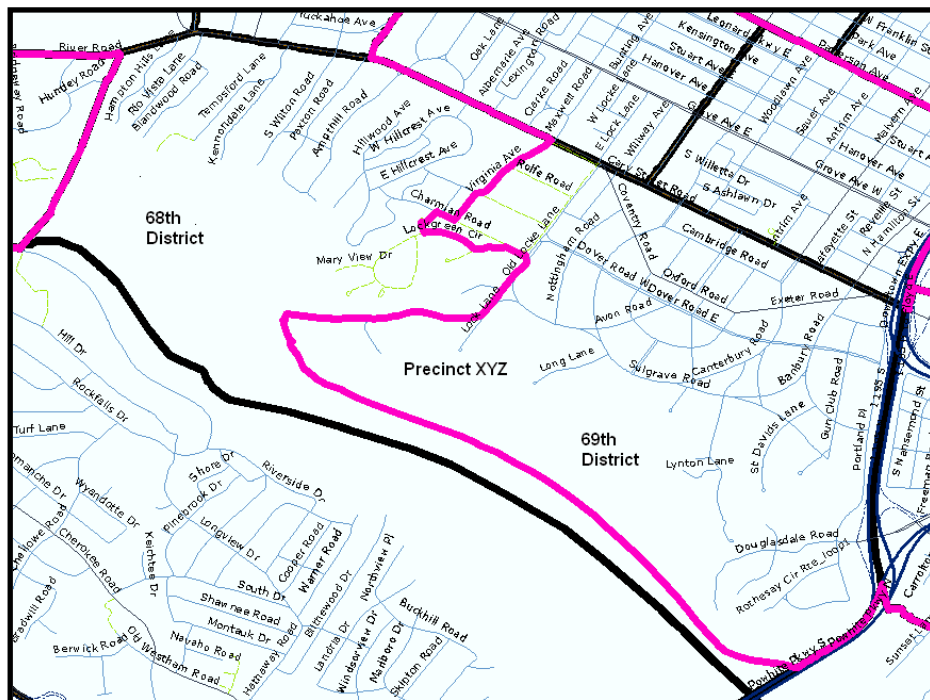
**14.1 Overview**

This chapter provides information on defining a split precinct, how split precincts are created, how to avoid or eliminate split precincts, how to manage them, and how to minimize the problems they create.

**14.2 Defining Split Precincts**

Precincts are usually the smallest unit of organization for an election district. The split precinct is the exception to this rule. A split precinct is one in which some of the voters in the precinct vote in one election district and other voters vote for the same type of office, but in a different district. For example, suppose the General Assembly drew the boundary between the 68<sup>th</sup> and 69<sup>th</sup> House of Delegates districts straight through the middle of precinct XYZ (figure 1). In this case, even though everyone is voting in the

same precinct, the voters to the left of the General Assembly district line would receive a ballot with the candidates for the 68<sup>th</sup> district seat. The voters to the right of the General Assembly district line would receive a ballot with the candidates for the 69<sup>th</sup> district seat.



**Figure 1**

Precinct boundary is black. General Assembly district boundary is pink.

## 14.3 How Split Precincts are Created

Precincts can be split between congressional or General Assembly (House and Senate) districts. They can also be split when a town lies within a larger precinct or across locality lines. Precincts are not, however, considered “split” unless an election involves the type of district that splits the precinct. For this reason, the only split precincts you might have in even numbered years are those which are split by congressional district (because General Assembly elections are not held in even years), or if your locality has a town election and your town council districts do not match your county precincts. Conversely, the only split precincts that will concern you in odd numbered years are General Assembly districts.

Split precincts arise in the following circumstances:

- When the boundary lines adopted by the General Assembly (i.e. the House of Delegates, State Senate, and/or congressional district lines) do not coincide with election district lines adopted by the locality.

- Usually this occurs during redistricting when the General Assembly uses existing precinct boundary lines to draw its district lines while the local government body abandons the existing precinct lines and adopts new ones.
- When a boundary change between two localities (including an annexation) crosses over a House of Delegates, State Senate or congressional district line
- When the precinct containing a town is bigger than the town or the town is located in more than one county and a town election is held at the same time as another type of election in the county

Split precincts can cause great confusion in the registrar's office and at the polls and can even result in some voters receiving the wrong ballot. If that occurs, and the election is close, it could be cause for a contested election. Thus, split precincts should be avoided when possible. However, in many cases, they may be unavoidable and must be managed instead. A later section in this chapter discusses how to avoid, or "heal" split precincts.

## 14.4 Managing Split Precincts In General

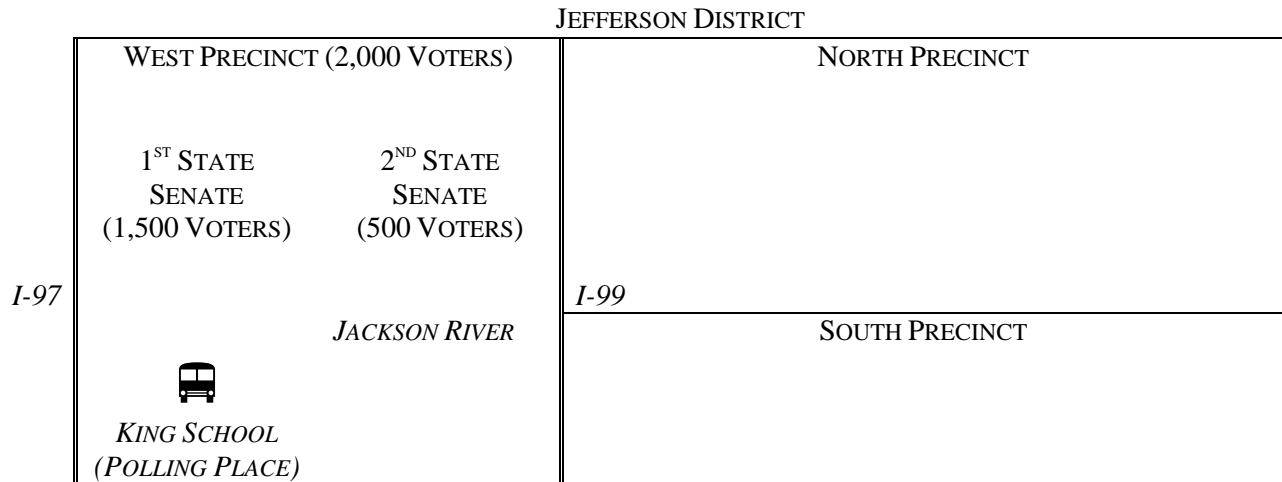
Once the General Assembly and localities finish redistricting, you will have a complete picture of your precinct splits and can begin planning how best to manage them for future elections. The first steps in this process are, of course: identifying which precincts are split, where the splits are, entering the correct information in VERIS and notifying the voters. This chapter will focus on managing the split precinct throughout the election process. *See also*, GREB 25 discussing redistricting and your role and responsibilities in that regard.

There are several general things to keep in mind when thinking about how to manage a split precinct, especially for those dealing with split precincts for the first time:

- Visualize a split precinct as if it were actually two (or more) precincts operating in the same polling place, *i.e.* think in terms of split precinct *segments*.
- Remember that a split precinct may not always operate as a split precinct. *See above*, GREB 14.3.
- A precinct may be split more than just two ways; it could be split three, four or more ways.
- Polling place operations for split precincts will differ according to the voting equipment type(s) used. These directions were written as though the precinct uses only direct recording electronic (DRE) equipment. Adjust for other type(s) of equipment as necessary.
- In a November election, for a town split between two counties, the electoral board in which the lesser part of the town is located must report the results of the town election to the electoral board of the county in which the greater part of the town is located so that it may declare the winner(s) and prepare the appropriate Certificate(s) of Election.

## 14.5 A Sample Split Precinct

Registrars and electoral board members who have not dealt before with split precincts often have a difficult time visualizing what is happening in a split precinct. To help “bring to life” the processes and tactics needed to work with split precincts, here is a hypothetical split precinct situation:



**Figure 2**  
Example of a split precinct

Example: A county elects one member of the board of supervisors from the Jefferson District. The Jefferson District includes the South, North, and West precincts. Prior to redistricting, the West Precinct had 1,500 registered voters and ranged from Interstate 97 to the Jackson River. In the 2001 redistricting process, the board of supervisors wanted to equalize precinct sizes. They did this by expanding the size of the West Precinct (and decreasing the size of the other districts). The new precinct ranges from I-97 to Interstate 99. The new part of the West Precinct – that area between the Jackson River and I-99 – has 500 registered voters. The new West Precinct now has 2,000 voters.

Prior to redistricting, the 2nd State Senate district’s western border was I-97. But the General Assembly (also in order to equalize district sizes) moved the boundary line between the 1st and 2nd State Senate districts. The new line runs along the Jackson River (the old West Precinct boundary line).

The polling place for the West Precinct remains at the King School.

The new West Precinct is now a split precinct. Of its 2,000 voters in the precinct, 1,500 reside in the 1st State Senate district and 500 reside in the 2nd State Senate district. There is, of course, only one polling place, because the Code only permits one polling place per precinct. [§ 24.2-307](#).

## 14.6 In the Registrar and Electoral Board Offices

There are certain issues and tasks concerning split precincts that Registrars and Electoral Board Members need to address before election day:

- Registrars must enter precinct changes into VERIS.
- Registrars must properly notify voters of changes at least 15 days before an election and secure necessary approval(s) for emergency relocations with notice properly to candidates and voters appropriate to the circumstances. [§§ 24.2-306, 24.2-310](#)<sup>1</sup>.
- Registrars must inform voters of their new district.

## 14.7 Ordering Ballots

Ordering ballots used for both absentee voting and voting equipment will take some extra work where split precincts are involved. Creating a table or spreadsheet (either hand drawn or by computer) is probably the easiest and most accurate way to accomplish this. Since the information used to determine the number of paper ballots needed at the polls is also the information that would be used to determine your machines, lines and officers, these calculations can be done all at once and in the same spreadsheet or chart.

On the spreadsheet or chart, list the following for each precinct or split precinct segment:

- The name or number of each precinct (where there is a split precinct, list each segment of the precinct as if it were a precinct unto itself)
- All the districts to which each precinct or precinct segment belongs
- The number of registered voters
- The number of machines needed
- The number of pollbook lines
- The number of officers needed
- The number of ballots needed for emergency, provisional, and curbside voting, as well as the number needed for general voting if optical scan is used in the precinct
- The number of paper ballots needed for absentee based on whatever formula the locality uses for projecting absentee ballot needs
  - When there have been major changes to precincts after redistricting, it is probably best to use a locality-wide percentage projection for absentee ballots rather than try to determine historical usage for individual areas.
  - The example provided in Figure 2 assumes that 2 percent of the total number of registered voters will vote absentee by paper ballot.

Such a spreadsheet would look something like this:

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<sup>1</sup> See, GREB 13 and 27 for details.

Precinct/ Segment	Election Districts			Registered Voters	Machines Needed	Lines	Officers	Paper Ballots		
	House	Senate	Cong.					For Polls DRE	OS	For Absentee
XYZ	20	2	5	500	1	1	4	50	500	10
XYZ	20	1	5	1,500	2	2	7	150	1,500	30
ABC	20	2	5	2,000	3	3	10	200	2,000	40
DEF	20	2	5	500	1	1	4	50	500	10

**Figure 3**

Sample spreadsheet to determine election day resource needs in each precinct and precinct segment

In the example spreadsheet on the previous page, precinct XYZ is split between Senate District 1 and Senate District 2. A locality that uses DRE machines only needs to send to the precinct sufficient paper ballots for emergency, provisional and curbside voting. If a locality used optical scan, the number of paper ballots sent to the precinct would increase.

The number of registered voters in each segment of the precinct is critical in determining the resources needed at the polls, including paper ballots. VERIS currently does not provide this information prior to pollbook production. Unfortunately, you cannot wait until that time to forecast your needs. The number of registered voters in each precinct segment will, therefore, have to be estimated. This estimate can be done based on the census voting age population in each precinct segment immediately after redistricting. Later, it can be based on voter registration and turnout when historical data is available.

It should be noted that this example uses the number of registered voters to determine its resource needs at the polling place. You can further refine your calculations by projecting what the number of registered voters will be at the close of books immediately before the election and forecasting turnout based on historical activities.

## 14.8 Polling Operations

Split precincts can be operated on election day as if they were a single “combined” precinct or two separate precincts. This choice affects your polling place set-up, the number of machines, lines and officers that you need as well as the supplies used in the precinct and envelopes for returning the official supplies. Other important variables include the type of voting equipment that you use, whether you have e-pollbooks or paper pollbooks, and whether you have more than one room inside the polling place that you can use.

Treating the precinct segments as “separate” precincts has some advantages:

- It is easier to keep the voters and ballots for the different districts apart and, thus, avoid voters getting the wrong ballot.
- It simplifies programming some types of voting equipment if a machine is dedicated to a single ballot type rather than multiple ballots styles and training officers of election to call up the correct ballot for each voter.
- Electronic pollbooks for each precinct segment can be linked together so you can get a pollbook count for each precinct segment at the polling place on election day.
- It is easier for election officers to understand how to run the precinct.

Treating the precinct segments as separate precincts also has some disadvantages:

- There will be increased cost because of the need for two sets of everything (including machines, lines, officers, statement of results, supplies, etc.)
- You have to add the results together from each segment when reporting results for offices that appear on all your ballot combinations.
- There is the possibility of voter confusion if you do not have the space to operate the two segments in two different rooms.
- There will be increased crowding because more authorized representatives will be allowed to observe (due to increased lines).

Operating the split precinct segments as a “unified”, is less costly than if you treated the precinct segments as individual precincts because it requires fewer resources. It also has the advantage of easier results reporting. However, it is a much more complex procedure and requires that your election officers be thoroughly trained. The greatest hazard in this case is, of course, the chance of a voter being given the wrong ballot.

For a split precinct, the layout and staffing of the polling place are of prime concern. If people can visualize the facility as two polling places, then half the battle is won. (If the precinct is split three or four ways, it can be visualized as three or four separate polling places.) Keep in mind that separate pollbooks will exist for each split unless the split is due to town elections held at the same time as other elections, in precincts that include non-town voters. In this case, a town code will be printed on the pollbook to indicate the voters who are registered in the town.

As much as space will allow, operations of each part of the split should be kept separate. Visual cues are helpful and should be used whenever possible. In our hypothetical precinct, the West Precinct (1st State Senate District) is on the left side of the map. The left side of the room would be set up for this segment of the split. Voters on the left side of the map go to the left side of the room.

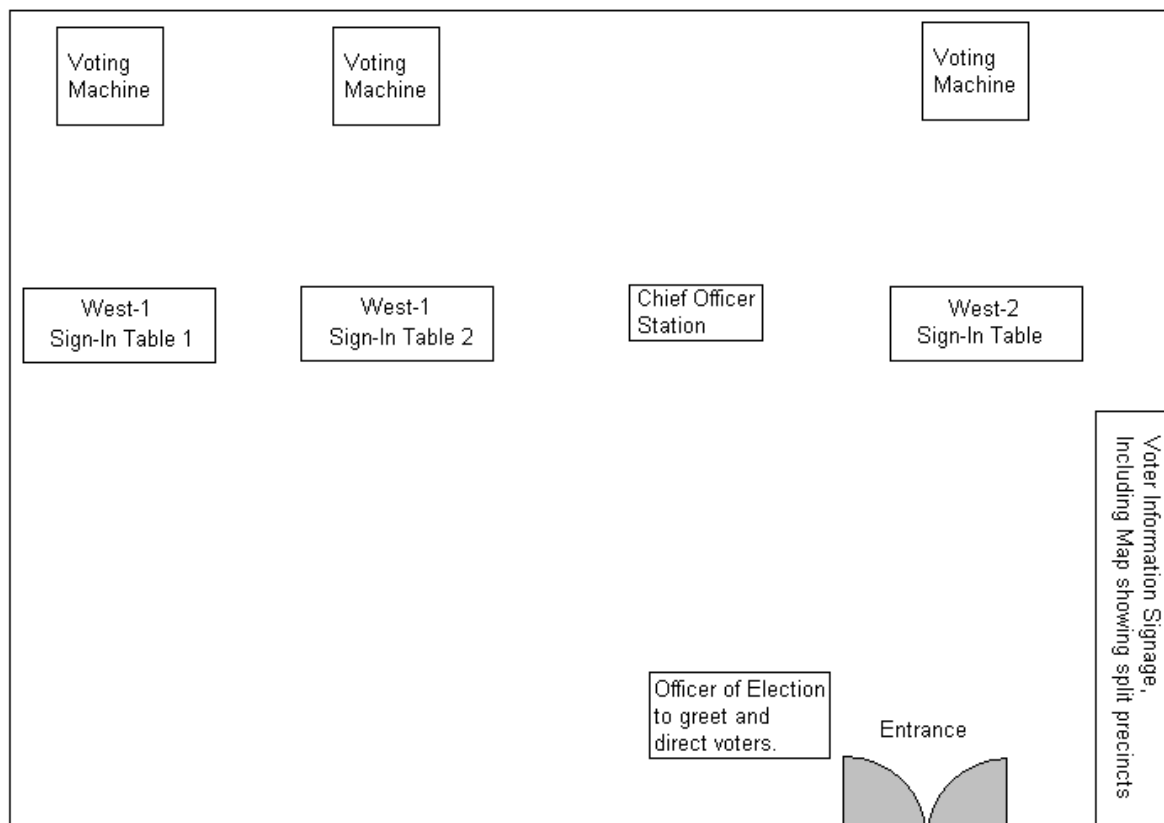
Inside the room tables are set up for each respective split segment as far apart from each other as possible. In our hypothetical precinct, “West-1” is larger and has two alpha splits, so it will need two check-in tables. “West-2” only needs one table. It is helpful to

post alpha signs for “West-1” and “West-2,” a large map showing the areas covered by each segment and a sign saying something like “If you live [here], vote here.”

There are two machines for voters in “West-1.” These machines should be placed in close proximity to the West-1 check-in tables. Likewise, the one machine for West-2 voters should be placed near its respective check-in table. **The West-1 machines should be placed as far away as possible from the West-2 machine.** It helps to place a small sign on the front of each machine showing whether it is a machine for the 1st District or 2nd District.

Entry slips must be prepared for voters. Color-coding, a stamp or print of the district designation to indicate which segment of the split precinct they will be using – can help prevent confusion.

If possible, the chief officer should be stationed between the two parts of the room so that he/she can observe the conduct of the election in both segments.



### 14.8.1 Political Party and Candidate Representatives

The chief officer or their designee will need to explain to party/candidate representatives how the split precinct operates. To the extent possible, representatives should be allowed



to determine which segment to observe or to sit in the middle so that they can observe both segments of the precinct.

For a general election, the Code permits observation of the conduct of the election by one authorized representative for each party or independent candidate for each section of the pollbook up to a maximum of three for any party or independent candidate. [§ 24.2-604](#). In our hypothetical precinct, there are two sections of the pollbook for “West-1” and one for “West-2.” Therefore, three representatives should be allowed for each independent candidate or party.

## **14.8.2 Giving Absentee Voters the Proper Ballots**

Ensuring that voters receive the proper ballot in localities with multiple split precincts and multiple ballot styles is one of the most challenging tasks in the registrar’s office. Keep in mind that a voter given a wrong ballot will most likely not notice the mistake and that in a close election a few erroneous ballots could affect the outcome (as well as make for a very embarrassing recount or contest!).

Some registrars/electoral boards prepare and store absentee ballots by ballot style. Where there are few ballot styles and no split precincts, this usually works well. But when there are many ballot styles and split precincts, it is much safer to prepare and separate absentee ballots by precinct and split precinct segments. The suggestions below should safeguard election officials and staff from providing erroneous ballots:

- When preparing ballots or ballot sets (where the ballot involves more than one piece of paper), make sure that the preparer works on only one precinct or precinct segment at a time. Spot-check her work.
- The registrants’ district information is printed on VERIS AB labels.
- When enclosing ballots in “Ballot Within” envelopes, it is helpful to label the outside of the “Ballot Within” envelope with a code that clearly shows which ballot style is within. This is just another safety check to ensure the voter receives the correct ballot. This could be a precinct code plus, if it is a split precinct, a code for the precinct segment. In the event a voter is concerned the marks are a device for tracking his/her particular ballot, eliminating ballot secrecy, explain that the “Ballot Within” envelope is discarded before the ballot is returned to the registrar’s office.
- Clearly label the file drawer or envelope in which the prepared ballots are kept for each precinct or precinct segment.
- Provide extra training to all personnel who will be handling absentee ballots. Make sure that they check and recheck the information on the voter record before selecting the appropriate absentee ballot.
- If the absentee voter is voting in person, recheck the ballot (or ballot set) once the voter has opened the envelope. Ask the voter to show the unmarked ballot in order to verify that the voter received the correct ballot.

- It is helpful to have a reference sheet listing the split precincts at the counter where ballots are given to in-person voters and at the table where mail ballots are prepared for sending. This will provide yet another reminder to be careful!


### **14.8.3 Training Officers**

Pre-election training sessions should include a special “class” for officers working in split precincts. It is important that these officers completely understand the concept and functions of a split precinct.

Officers should be familiar with the geography of the split precinct and which voters are voting in each election. While the voters’ names will be on separate lists, it is still helpful for the officers of election to know what areas, neighborhoods, and subdivisions of the precinct are in the different segments of the split. This will be helpful in explaining to voters who ask why they can only vote on certain machines or ballots.

Officers should understand the sign-in process, the use of separate entry slips, how to handle voters who are in the wrong line, when to call the registrar’s office, etc. It should be emphasized that a split does not affect how the pollbook will be marked.

Finally, split precinct officer must understand how to complete the Statements of Results (SOR); two Statements must be completed for each precinct split.

-  Suggestion: Help officers of election distinguish the difference between a pollbook split and a precinct split. Registrars and electoral board members use these terms on a day-to-day basis. Officers may be hearing them for the first time.

### **14.8.4 Conducting the Election**

An officer of election should remain at or near the entrance to the voting room, greet voters, and direct them to the correct table(s), *i.e.* the correct split precinct segment. This officer should have, at a minimum, a large detailed map of the split precinct segments. A list of street names, house number ranges, respective district designations, and a full alphabetical roster for the precinct showing the district representation of each registered voter are all helpful. (The registrar has access to a complete alphabetical roster electronic data for the locality and can produce an alpha list for individual precincts.) Using these aids, the greeter should be able to send voters to the proper side of the room.

After the voter has been checked in on the pollbook, the officer of election should give them an entry slip that clearly shows which machine type or ballot style to use.

Finally, the voting equipment/machine officer must allow only those voters with the proper “voting pass” (varies by locality; for example, some use movie type tickets or colored cards) to use his/her machine.


For ballot scanner systems, separate scanners may be required for each split or all splits may be programmable on one scanner depending on the type of equipment, and how the locality chooses to manage their splits. Machine officers must be trained on how to manage splits on their equipment prior to election day.

### **14.8.5     Ascertaining the Results**

After the polls close, the officers of election should go about their closing/ascertainment routine as if there were two separate precincts. Two Statements of Results (SORs) must be completed for each precinct segment.

The Statement of Results (SOR) should be labeled to identify the precinct segment it covers. In our hypothetical precinct, there will be a total of four SORs: two for “West-1” and two for “West-2.” Everything entered on the Statement should apply only to the precinct segment it covers. Particular care is required to enter the “number of voters voting” only for the relevant segment.

There is no need to separate each segment into separate envelopes for packing election materials for return to the clerk of court or registrar. However, all sensitive materials (materials that will be needed by the electoral board during the canvass or materials that might be needed in a recount or contest) should be separately banded and bundled according to split precinct segments. Each bundle should be labeled with a piece of paper noting the appropriate precinct segment before the bundles are placed in the appropriate envelope. There is no need to bundle separately items that are not germane to a canvass, recount or contest, such as the Code book, officer of election buttons/badges and the like.

-  If it seems easier for a separate set of envelopes to be used for each precinct segment, then do it. However, the registrar is responsible for ordering a sufficient supply of extra envelopes that are a local cost.

### **14.8.6     Reporting Results to the Registrar or Electoral Board Office**

Localities that assemble their unofficial results on election night by calling them in to a central office must agree in advance on whether to report results by split precinct segment or by aggregating the segments in order to provide results for the complete precinct. The registrar or electoral board member should, when reporting to the media, report the aggregated results for the entire precinct. Reporting by split precinct segment will only confuse the media representatives.

## 14.9 “Healing” Split Precincts

As stated before, split precincts present special challenges in election administration. Sometimes it is impossible to avoid them, but steps can sometimes be taken to eliminate them. This section discusses ways to avoid split precincts or get rid of splits.

### 14.9.1 Follow the General Assembly Redistricting in Local Redistricting

Localities that elect their local governing bodies from districts in November of a redistricting year (*i.e.* 2011, 2021, etc.) must complete their work ~~and unless bailed out, have their new districts precleared~~<sup>2</sup> in time for use in any primary that may be held for those offices and the November elections. The election calendar and redistricting time clock make it necessary for these localities to do their work at the same time the General Assembly is doing its work. In contrast, localities that do not elect local offices from districts in November of a redistricting year should be able to wait and run their November redistricting year general elections using the new precinct lines that the General Assembly adopts. These localities have until December 31<sup>st</sup> of the redistricting year to complete redistricting local office districts. [§ 24.2-304.1](#). To the extent possible, local redistricting that can follow the General Assembly’s adopted plan has the advantage of allowing localities to adjust their precinct boundaries to eliminate split precincts or to even create new precincts from the split precinct segments.

All localities should monitor the General Assembly’s work by contacting the [Division of Legislative Services](#). Advance knowledge of the General Assembly’s plans can help develop plans to draw local lines that coincide with the state legislative district lines. *See*, GREB 25.

### 14.9.2 “Fixing” Split Precincts the Following Year

The Code and accepted practice allow for adjustments in lines following the decennial redistricting for the express purpose of making local lines coincide with state legislative or congressional lines. Methods by which adjustments can be made include: (1) General Assembly enactment (e.g., [2007 HB 2892](#)); (2) local governing body adjustment under [§ 24.2-304.1](#) affecting no more than the lesser of 250 persons or 5 percent of the population of the ward or district; and (3) an agreed boundary change judicially approved under [§ 15.2-3106 et seq.](#)<sup>3</sup>

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<sup>2</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.

<sup>3</sup> See footnote 3.

These same strategies can be employed when a split precinct has been created by a boundary change or settlement between localities, an annexation (towns can annex; cities are currently prohibited from doing so), the creation of a new town or the reversion of a city to town status. The decennial district lines must be followed for General Assembly and congressional elections until the appropriate legislative body enacts changes to align the new jurisdictional lines.<sup>4,5</sup>

### **14.9.3 Changing Precincts or Creating New Precincts**

When the methods discussed above simply do not work, localities may wish to either create new precincts out of their split precinct segments or to adjust precinct boundaries to eliminate the split precinct. This will probably add some expense in terms of number of election officials, machines, etc. but it is often preferable to living with the operational complexity of split precincts.

Voters often overlook or have difficulty understanding the information on new voter cards. As a result, voter calls to registrars' offices can be expected to increase significantly in the year or two after a major redistricting. If the locality has new split precincts, supplementary training should be provided to all office personnel who may handle "customer service" calls and inquiries from voters. Train staff not to rely on their own memory or knowledge about which precincts are in which districts.

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<sup>5</sup> On June 25, 2013, the U.S. Supreme Court held invalid Section 4 of the Voting Rights Act that outlines the formula for determining what jurisdictions are covered under the Section 5 Preclearance processes. This ruling makes Section 5 dormant until such time as Congress enacts another formula for coverage that is consistent with the Constitution. The practical effect is that it is no longer necessary to preclear changes affecting voting with the Department of Justice.